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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	No. CR 06-0720 MAG
Plaintiff,	)	STIPULATION AND <del>PROPOSED</del>
v.	)	ORDER TO EXCLUDE TIME
ROBERT DOMINGO VARGAS	)	SAN FRANCISCO VENUE
a/k/a: Abel Vargas,	)	
Defendant.	)	

On November 1, 2006, the parties in this case appeared before the Court for an Initial Appearance. At that time, the parties stipulated that the Initial Appearance would be continued until November 1, 2007, and that time should be excluded from the Speedy Trial Act calculations from November 1, 2006 to October 31, 2007, for the deferral of prosecution. See 18 U.S.C. § 3161(h)(2). The parties agree that pretrial diversion is an appropriate disposition of this case and that – taking into account the public interest in prompt disposition of criminal cases – good cause exists for this extension.

The United States has referred Mr. Vargas to Pretrial Services for an intake evaluation. If Mr. Vargas meets the qualifications set forth by Pretrial Services, it is anticipated that he will

1 be placed on pretrial diversion for twelve months. Accordingly, the parties agree that the  
2 prosecution will be deferred for a twelve-month period of time for Mr. Vargas to demonstrate  
3 good conduct under the conditions of a pretrial diversion program.

4  
5 **IT IS SO STIPULATED.**

6 Respectfully submitted,

7 KEVIN V. RYAN  
8 United States Attorney

9 DATED: 11/02/06

/s/ Derek R. Owens  
DEREK R. OWENS  
Special Assistant U.S. Attorney

11  
12 DATED: 11/02/06

/s/ Daneil P. Blank  
DANIEL P. BLANK  
Attorney for Defendant Vargas

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15 As the Court found on November 1, 2006, and for the reasons stated above, the  
16 Court finds that an exclusion of time between November 1, 2006 and October 31, 2007 is  
17 warranted and that the ends of justice served by the continuance outweigh the best  
18 interests of the public and the defendant in a speedy trial. IT IS HEREBY ORDERED that  
19 time is excluded under the Speedy Trial Act pursuant to 18 U.S.C. § 3161(h)(2) from November  
20 1, 2006 to October 31, 2007, for deferral of prosecution by the United States for the purpose of  
21 allowing the defendant to demonstrate good conduct under the conditions of a pretrial diversion  
22 program.

23  
24 **IT IS SO ORDERED.**

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26  
27 DATED: 11/6/06

  
EDWARD M. CHEN  
United States Magistrate Judge